

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES JOHN O'SHEA,
Plaintiff,

v.

STEPHEN M. WAGSTAFFE, et al.,
Defendants.

Case No. [19-cv-04563-RS](#) (PR)

ORDER OF DISMISSAL

Plaintiff has not complied with the Court's order to perfect his application to proceed *in forma pauperis* (IFP). Specifically, he has not filed a Certificate of Funds, and a prison trust account statement showing transactions for the last six months. Accordingly, this federal civil rights action is **DISMISSED** (without prejudice) for failing to comply with the Court's order and for failing to prosecute, *see* Federal Rule of Civil Procedure 41(b).

Because this dismissal is without prejudice, plaintiff may move to reopen the action. Any such motion **must** contain the two documents noted above, or full payment for the \$400.00 filing fee.

Plaintiff's IFP motion is **DENIED** as insufficient. (Dkt. No. 8.) The Clerk shall terminate all pending motions, enter judgment in favor of defendants, and close the file.

IT IS SO ORDERED.

Dated: September 19, 2019



RICHARD SEEBORG
United States District Judge